

PROPOSED RULE AMENDMENTS

Public Hearing:

August 11, 2021
10:00 am

Full Commission Vote:

August 13, 2021
9:00 am

Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27502

Instructions for Oral and Written Comments: The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Charminique Williams
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602.



Title: Summary Suspensions, Minimum Standards for Criminal Justice Officers, Certification and Training for School Resource Officers, Trainee Attendance, Physical and Mental Standards, Moral Character, Suspension: Revocation: Or Denial of Certification.

Agency: Criminal Justice Education and Training and Standards Commission

Contact: Charminique Williams

Impact Summary: State Government: No
Local Government: No
Substantial Impact: No
Small Business: No

12 NCAC 09B .0305 Specialized Instructor Certification

To allow the re-issuance of an individual's expired Specialized Instructor Certification when that individual has fully met all requirements for re-issuance.

Statutory authority for the rule change: G.S.17C-6

Amendment: On May 21, 2021, the Criminal Justice Education and Training Standards Commission proposed amendments to the rules mentioned above to:

- ☐ **State Impact:** None
- ☐ **Local Government Impact:** No
- ☐ **Substantial Economic Impact:** No
- ☐ **Small Business Impact:** No

*Rules begin on the following page

1 12 NCAC 09B .0305 is proposed for amendment as follows:

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3 **12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR**
4 **CERTIFICATION (~~EFFECTIVE JANUARY 1, 2020~~)**

5 (a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this
6 Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for
7 certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state
8 comprehensive exam for the respective Specialized Instructor training course.

9 (b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and
10 Specialized Instructor Certification are issued on the same date, the instructor is required to instruct, within three years
11 after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was
12 granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training,
13 Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601,
14 .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor
15 certification by teaching any specialized topic for which certification has been issued.

16 (c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor
17 Certification, the specialized instructor may satisfy the teaching requirement for the General Probationary Certification
18 by teaching the specialized subject for which certification has been issued.

19 (d) The term of certification as a specialized instructor shall not exceed three years. An application for renewal shall
20 contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant
21 has remained active in the instructional process during the previous three-year period. Such documentary evidence
22 shall include the following:

23 (1) proof that the applicant has, within the three-year period preceding application for renewal,
24 instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was
25 granted, and that instruction was provided in a Commission-accredited basic training, Specialized
26 Instructor Training, Commission-recognized in-service training course, or training course delivered
27 pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include
28 official Commission records submitted by School Directors or In-Service Training Coordinators and
29 written certification from a School Director or In-Service Training Coordinator;

30 (2) proof that the applicant has, within the three-year period preceding application for renewal, attended
31 and completed all instructor updates that have been issued by the Commission. Acceptable
32 documentary evidence shall include official Commission records submitted by School Directors or
33 In-Service Training Coordinators, or copies of certificates of completion issued by the institution
34 which provided the instructor updates; and

35 (A) a favorable written recommendation from a School Director or In-Service Training
36 Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer
37 Certification Form (Form F-12A) stating the instructor taught at least 12 hours in each of

the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;

(B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>;

(C) proof that the applicant has met the requirement set forth in Rule .0303(d) of this Section;

(D) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal; and

(E) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.

(e) Certification as a Specialized Instructor in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.

(f) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to reapply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documented evidence that the applicant:

(1) holds a current General Instructor certification;

(2) has completed all pre-qualification requirements for that specialty;

(3) has passed the state examination for that specialty with a minimum score of 75;

1 (4) has completed 8 hours of evaluated instruction in the specialty where re-issuance of certification is
2 taught, as documented on an F-16 located on the agency's website: <https://ncdoj.gov/law-enforcement>
3 training/criminal-justice/forms-and-publications/. The 8 hours of instruction shall be taught within 60 days
4 of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified
5 in that specialty. Failure to complete the required 8 hours of evaluated instruction will result in the reissued
6 Specialized Instructor Certification being revoked.

7 (5) documented proof that all non-Commission certificates required in Rule .0304(d)(1), (g)(2), (i)(1), and
8 (j)(1) for Specialized Instructor certification in the First Responder, Physical Fitness, Explosive and
9 Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained; and

10 (6) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass
11 the prequalification skills assessment and the state examination for that specialty. Should an applicant not
12 achieve a passing score on either the prequalification skills assessment or the state examination for that
13 specialty, the applicant will be required to successfully complete the specific Specialized Instructor Course
14 in its entirety.

15 (7) Applicants whose Specialized Instructor Certification is suspended or revoked does not qualify for re-
16 issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

17 ~~(g)(f)~~ The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible.
18 However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall
19 be authorized by the School Director. A guest participant shall be used only to complement the primary certified
20 instructor of the block of instruction and shall not replace the primary instructor.

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22 *History Note: Authority G.S. 17C-6;*

23 *Eff. January 1, 1981;*

24 *Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012;*
25 *November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1,*
26 *1991; July 1, 1989; December 1, 1987; February 1, 1987;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
28 *2019;*

29 *Amended Eff. October 1, 2021; January 1, 2020; August 1, 2019.*
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